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The Honorable Mary Peters
Secretary of Transportation
U.S Department of Transportation
400 Seventh Street SW
Washington, DC 20590

Dear Secretary Peters:

I noted with great concern that the Department of Transportation (DOT), according to your spokesperson last week, plans to continue the cross-border Mexican truck pilot program, despite the fact that the President recently signed legislation that includes a provision prohibiting your Department from spending any money to continue this program.

The DOT response is both arrogant and wrong! The provision included in the omnibus spending bill was clearly written and designed to put the brakes on the current pilot program. Failure to end the pilot program, I believe, will put the Department of Transportation in direct violation of federal law.

I asked the Senate Legislative Counsel, which drafted the provision on my behalf, for their interpretation. In a letter, a copy of which is attached, the Senate Legislative Counsel maintains that the provision was "drafted to prohibit the use of funds for a demonstration program to allow Mexico-domiciled motor carriers to operate beyond certain commercial zones."

Furthermore, the Senate Legislative Counsel notes that "the legislative history in the Senate indicates that it was intended to preclude the carrying out of any demonstration program, including the pilot program put into effect in September 2007." Supporters and opponents of my amendment understood that, if enacted, the amendment would cut off funding for the existing pilot program. During the debate, I said my amendment would "prohibit the use of funds to continue this pilot program." Senator McCain, who opposed my amendment, said, "Unfortunately, the Senate has voted 74 to 24 to prevent the pilot from going forward."

I offered my amendment to stop the pilot program because I think there are real safety concerns that need to be addressed before Mexico-domiciled motor carriers are allowed to roam freely in the United States. While I recognize that there might come a time in the future when Mexican-domiciled motor carriers have equivalent safety standards with trucks and drivers registered within the United States, that is certainly not the case today.

The DOT Inspector General issued a report an hour before your Department approved the current pilot program that raised serious safety concerns. The IG found that in pre-qualifying Mexican trucking companies for the pilot program, DOT officials did not have access to vehicle inspections, accident reports, and driver violations, unless the information was actually in the company's own records. Despite these concerns, your agency decided to push forward and accept the representations of Mexican trucking companies that they have no safety problems. That is not satisfactory, and as a result, the Congress approved my legislation to halt the program.

I urge you to immediately end the pilot program, as mandated in the omnibus appropriations bill. The Department of Transportation is required to abide by the laws enacted by the Congress. The Department will be making a serious mistake if it believes it is not required to abide by this new legislation. I await your response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Byron", with a stylized, flowing script.

Byron L. Dorgan
U.S. Senator